

From: Goldmann, Elizabeth [Goldmann.Elizabeth@epa.gov]
Sent: 10/2/2018 5:31:52 PM
To: Campbell, Rich [Campbell.Rich@epa.gov]
CC: Leidy, Robert [Leidy.Robert@epa.gov]
Subject: EPA comments on Rosemont Mine Mitigation Plan (HMMP)
Attachments: EPA_Analysis_Rosemont_Mine_Final_HMMP_November 30, 2017.pdf; EPA Technical Comments on Rosemont HMMP dated September 26, 2014.pdf; Rosemont FHMMP 04 24 2014.EPAcomments.docx; EPAanalysisofRosemontHMMP.04092014.docx; EPAanalysisofRosemontMitigation.2.25.2014.docx; Table1EPAmitigationanalysis.2.25.2014.docx; FINAL DOCUMENT Sonoita Creek Technical Memo.pdf

Rich,

As requested, here are technical comments submitted to the Corps regarding several iterations of the proposed Rosemont Mine mitigation plan. Each analysis is in the Corps administrative record. I have also included the technical analysis on SCR provided by our contractor. Let me know if you have any questions.

The mitigation proposed in the final Habitat Mitigation and Monitoring Plan (HMMP) includes two components: the Sonoita Creek Ranch (SCR) project and the onsite stock tank removal. Our review of the HMMP affirms our position that the mitigation does not comply with EPA's 404(b)(1) Guidelines and the requirements of the Mitigation Rule. The HMMP proposed by Rosemont fails to offset the proposed mine's impacts to aquatic resources in the Cienega Creek watershed.

- Sonoita Creek Ranch (SCR) mitigation site is Not in the Same Watershed as the Mine Impacts and Consequently Does Not Offset the significant degradation to Aquatic Resources in the Cienega Creek Watershed
- There is No Compelling Ecological Justification to Reestablish Sonoita Creek at the RX Ranch Property, or at SCR. This is supported by our technical analysis (also see Sonoita Creek technical memo). We have analyzed the mitigation design and determined a high risk of failure. The existing condition at SCR does not support the mitigation design. In addition, the mitigation itself will result in impacts to existing waters and loss of rare habitat (e.g., sacaton) currently self-restoring on the project site.
- The Assessment and Comparison of Functions of Waters Between the SCR Mitigation Site and the Rosemont Mine Impact Site are Speculative, Inaccurate and Scientifically Flawed. We have provided extensive technical comments on our analysis of the functional assessment methodology used by the applicant.
- Preservation of Existing Wildlife Migration Corridors at SCR Will Not Mitigate for Fragmentation of Critical Animal Migration Corridors at the Project Impact Site.
- Mitigation at Sonoita Creek Ranch Will Not Contribute Water to Impacted Portions of the Cienega Creek Groundwater Basin.
- Onsite Stock Tank Removal
The Proposed Stormwater Flow Mitigation Will Not Restore the Stated Volumes of Storm Flows to Stream Reaches Downstream from the Mine Site. During the life of the mine (approx. 25 years), 40% of downstream flows will be diverted. The mitigation plan proposes to remove onsite stock tank removal to offset flow loss. The analysis in the proposal is significantly flawed and will in no way begin to offset the loss of flow to downstream waters.
- Mitigation at LSPRWA Does Not Compensate for Project Impacts. The applicant suggests that if they do not have enough mitigation at SCR, they will purchase ILF credits at the Lower San Pedro River ILF project site. This site is not approved by the IRT. It does not have an approved design plan, credit determination or geographic service area.

Elizabeth Goldmann
Physical Scientist
Wetlands Section (WTR 2-4)
U.S. EPA, Region IX
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3398